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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADIDAS AMERICA, INC., a Delaware
corporation; and **ADIDAS AG**, a foreign
entity,

Plaintiffs,

v.

COUGAR SPORT, INC., a New York
corporation,

Defendant.

No. 3:15-cv-01856-SI

**DECLARATION OF SARA M.
VANDERHOFF**

In Opposition to Defendant's Motion to
Dismiss for Lack of Personal Jurisdiction and
Improper Venue, Or, in the Alternative,
Transfer of This Case to the Southern District
of New York

I, Sara M. Vanderhoff, make the following Declaration:

1. My name is Sara M. Vanderhoff. My current title is Associate General Counsel, Global Brands and Trademarks. I have held this position since March 8, 2010. My duties include the oversight and management of adidas's intellectual property protection and enforcement program in North America. I am over the age of twenty-one. I am competent to make this Declaration. And the facts set forth in this Declaration are based on my personal knowledge and on documents maintained by plaintiffs adidas America, Inc. ("adidas America") and adidas AG (collectively, "adidas") in the ordinary course of business.

2. adidas America has its headquarters in Portland, Oregon. adidas America is the principal distributor of adidas AG's ADIDAS-branded merchandise. And adidas America is the hub for all of adidas's U.S. sales, brand marketing, product marketing, product design, public relations, distribution, brand enforcement, and licensing of and for ADIDAS-branded merchandise, including goods bearing the famous Three-Stripe Mark. Hundreds of Portland-area residents work at adidas's Portland, Oregon campus.

3. Given that Portland is adidas's North American home, adidas has appeared as a plaintiff (or counterclaimant) in over fifty-five (55) trademark cases in the United States District Court for the District of Oregon during the last decade, with one of those cases (*adidas v. Payless ShoeSource*) going all the way through trial. Because of this extensive litigation history in this Court, adidas maintains an entire room full of documents and other materials related to its Three-Stripe Mark at the Portland, Oregon offices of Perkins Coie LLP. There are approximately one hundred (100) banker's boxes of such documents and materials in all. adidas does not maintain electronic copies of these documents, and it would be costly and time consuming to create electronic copies of such a large volume of documents. Similarly, it would be extremely burdensome to transport these documents and things to New York.

4. If this case proceeds into discovery, all of adidas's witnesses who conceivably would be deposed or who would testify at trial work and live in the greater Portland area. The same was true in the *adidas v. Payless ShoeSource* case, where sixteen (16) of the seventeen (17) adidas employees who were deposed had their depositions taken in Portland, Oregon, and eight (8) of the nine (9) fact witnesses that adidas called at trial lived in Portland at the time. (The one adidas trial witness not living in Portland was a former Portland resident who had been transferred to adidas AG's office in Germany.)

5. adidas does not maintain any headquarters in New York, nor would adidas call as a witness in this action any employee from New York. Indeed, the adidas stores referenced in defendant Cougar Sport, Inc.'s motion to dismiss are retail stores, and adidas would not call any of the employees from those stores as witnesses. adidas's retail stores in New York also do not possess or maintain any documents relevant to this action.

6. adidas typically instructs its outside counsel to videotape the depositions of adidas's witnesses and the depositions of an opposing party's witnesses, as well as the depositions of experts and third parties. In this case, adidas will instruct its outside counsel to videotape all depositions.

I declare under penalty of perjury under the laws of the United States and the State of Oregon that the foregoing is true and correct.

Executed November 19, 2015, in Portland, Oregon.

By: s/ Sara M. Vanderhoff
Sara M. Vanderhoff